

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

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T.D. 74-71 through 74-77

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Tariff Commission Notice

DEPARTMENT OF THE TREASURY
U.S. Customs Service

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NOTICE

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U.S. Customs Service

(T.D. 74-71)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippine peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 19, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR, Part 159, Subpart C).

Hong Kong dollar:

February 4, 1974.....	\$0. 1960
February 5, 1974.....	. 1965
February 6, 1974.....	. 1965
February 7, 1974.....	. 1960
February 8, 1974.....	. 1960

Iran rial:

For the period February 4 through February 8, 1974,
rate of \$0.0149.

Philippine peso:

February 4, 1974.....	\$0. 1490
February 5, 1974.....	. 1490
February 6, 1974.....	. 1490
February 7, 1974.....	. 1490
February 8, 1974.....	. 1495

Singapore dollar:

February 4, 1974	-----	\$0.4030
February 5, 1974	-----	.4045
February 6, 1974	-----	.4030
February 7, 1974	-----	.4030
February 8, 1974	-----	.4030

Thailand baht (tical):

For the period February 4 through February 8, 1974,
rate of \$0.0495.

(LIQ-3-O:A:E)

R. N. MARRA,
*Director, Appraisement
and Collections Division.*

(T.D. 74-72)

Identification and importer numbers—Customs Regulations amended

Sections 24.5(a) and 141.61(d) of the Customs Regulations amended to require that importers of record and ultimate consignees file for an importer's identification number and submit this number with all formal consumption entries.

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

PART 141—ENTRY OF MERCHANDISE

On September 5, 1973, a notice of proposed rulemaking setting forth proposed amendments to sections 24.5(a) and 141.61(d) of the Customs Regulations, which would require importers of record and ultimate consignees to file for an importer's identification number and to submit this number with all formal consumption entries, was published in the Federal Register (38 FR 23954). At present, importers of record or ultimate consignees of duty-free merchandise making a formal entry are not required to file for, and use, an importer's identification number, whereas importers of record and ultimate consignees of dutiable merchandise making a formal entry are so required.

After reviewing the comments received in regard to the proposed amendments, the word "formal" is inserted before the term "consumption entry" in the proposed amendment to section 141.61(d) to clarify that the importer number requirement applies to formal entries, whether free or dutiable, but does not apply to informal entries.

Accordingly, with this one change, the proposed amendments to sections 24.5(a) and 141.61(d) of the Customs Regulations are adopted as set forth below.

Effective date. This amendment shall become effective 30 days after publication in the Federal Register.

(ADM-9-03)

VERNON D. ACREE,
Commissioner of Customs.

Approved February 15, 1974:

JAMES B. CLAWSON,

Acting Assistant Secretary of the Treasury.

[Published in the Federal Register February 28, 1974 (39 FR 7782)]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Paragraph (a) of section 24.5 is amended to read as follows:

§ 24.5 Filing identification number.—(a) Each person, business firm, Government agency, or other organization shall file Customs Form 5106, Notification of Importer's Number or Application for Importer's Number, or Notice of Change of Name or Address, with the first formal entry which he submits or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. Customs Form 5106 shall also be filed for the ultimate consignee for which such entry is being made.

* * * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1624)

PART 141—ENTRY OF MERCHANDISE

Paragraph (d) of section 141.61 is amended to read as follows:

§ 141.61 Completion of entry papers.

* * * * *

(d) *Customs Form 5101.* A Customs Form 5101 (Entry Record) shall be prepared by the importer and all three copies, with carbon paper left in, shall be presented with each formal consumption entry, and with each warehouse, appraisalment, vessel repair, or drawback entry. * * *

* * * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1624)

(T.D. 74-73)

Customs financial and accounting procedure—Customs Regulations amended

Sections 24.3 (b) and (c), Customs Regulations, relating to the official receipt of payment of duties at time of entry or payment of a Customs bill, amended

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

On August 3, 1973, notice of proposed rule making was published in the Federal Register (38 FR 20896), setting forth proposed amend-

ments to sections 24.3 (b) and (c) of the Customs Regulations relating to the receipt given by Customs upon the payment of duties at the time of entry or the payment of a Customs bill. Interested persons were given until September 4, 1973, to submit relevant data, views, or arguments regarding the proposed amendments to the regulations.

Careful consideration of the comments received has resulted in a change in the proposed wording of section 24.3(b) of the Customs Regulations, relating to the payment of Customs duties at the time of entry, to emphasize that a receipt of payment will be furnished the payer if he submits with his entry and payment either an additional copy of the entry or an additional copy of Customs Form 5101 (Entry Record). In addition, the reference in the proposed wording of section 24.3(c) of the Customs Regulations to the "Bureau of Customs Copy" of the Customs bill has been changed to the "U.S. Customs Service Copy" to reflect the change in the name of that agency.

Accordingly, paragraphs (b) and (c) of section 24.3 of the Customs Regulations are amended as set forth below.

Effective date. These amendments shall become effective 30 days after publication in the Federal Register.

(ADM-9-03)

VERNON D. ACREE,
Commissioner of Customs.

Approved February 14, 1974:

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[Published in the Federal Register February 28, 1974 (39 FR 7781)]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Paragraphs (b) and (c) of section 24.3 are amended to read as follows:

§ 24.3 Bills and accounts; receipts.

(b) A receipt for the payment of Customs duties made at the time of entry on a dutiable consumption entry or an appraisement entry will be provided a payer if he submits with his payment either an additional copy of the entry or an additional copy of Customs Form 5101. The additional copy shall be validated as paid by the appropriate Customs official and returned to the payer. Otherwise, a copy of the entry and the payer's cancelled check shall constitute evidence of the payment of duties.

(c) A copy of a Customs bill validated as paid will not normally be provided a payer. If a bill is paid by check, the copy of the Customs bill identified as "Payer's Copy" and the payer's cancelled check shall constitute evidence of such payment to Customs. Should a payer desire

evidence of receipt, both the "U.S. Customs Service Copy" and the "Payer's Copy" of the bill and, in the case of payments by mail, a stamped, self-addressed envelope, shall be submitted. The "Payer's Copy" of the bill shall then be marked paid by the appropriate Customs official and returned to the payer.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

(T.D. 74-74)

Bonds

Approval and discontinuance of bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 25, 1974.

Bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at end of list.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director; amount
Alco Transport, Inc., 1001 Port Blvd., Dodge Island, Miami, Fla.; American Motorists Ins. Co. D 12/19/73	Jan. 13, 1971	Feb. 1, 1971	Miami, Fla.; \$10,000
American President Lines, Ltd., & sub. Western Stevedoring & Terminal Corp., 1010 Washington Bldg., Seattle, Wash.; Safeco Ins. Co. of America	Nov. 27, 1973	Dec. 17, 1973	Seattle, Wash.; \$10,000
Best Way Distributing Co., 7535 Woodman Pl., Van Nuys, Calif.; Peerless Ins. Co.	Oct. 19, 1973	Oct. 24, 1973	Los Angeles, Calif.; \$10,000
Robert A. Buchanan, Jr., 625 Board of Trade Bldg., Duluth, Minn.; St. Paul Fire & Marine Ins. Co.	Dec. 17, 1973	Dec. 21, 1973	Duluth, Minn.; \$10,000
Chateau Distributors International Inc., 407 W. 147th St., Hawthorne, Calif.; St. Paul Fire & Marine Ins. Co.	Nov. 28, 1973	Nov. 30, 1973	Los Angeles, Calif.; \$10,000
Collins Alkman Corp. 210 Madison Ave., New York, N.Y.; St. Paul Fire & Marine Ins. Co. D 1/21/74	Jan. 6, 1972	Jan. 10, 1972	Norfolk, Va.; \$10,000
E. Dillingham, Inc., P.O.B. 116, Ogdensburg, N.Y.; St. Paul Fire & Marine Ins. Co. (PB 12/19/62) D 12/28/73	Dec. 19, 1973	Dec. 28, 1973	Ogdensburg, N.Y.; \$10,000

See footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director; amount
The Dow Chemical Co., 2030 Dow Center, Midland, Mich.; Federal Ins. Co. (PB 4/15/71) D 1/17/74 ²	Jan. 3, 1974	Jan. 17, 1974	Detroit, Mich.; \$10,000
East Bay Beverage Co., 1685 34th St., Oakland, Calif.; Peerless Ins. Co.	Nov. 21, 1973	Nov. 26, 1973	San Francisco, \$10,000
Flexivan Inc., and/or Uni-Flex Container Corp., 330 Madison Ave., New York, N.Y.; St. Paul Fire & Marine Ins. Co. D 1/15/74	Feb. 24, 1971	Mar. 2, 1971	New Orleans, La.; \$10,000
Joseph George Distributor, 1600 Coleman Ave., Santa Clara, Calif.; Safeco Ins. Co.	Nov. 1, 1973	Nov. 26, 1973	San Francisco, Calif.; \$10,000
C. M. Hall Lamp Co., 1035 E. Hancock Ave., Detroit, Mich.; St. Paul Fire & Marine Ins. Co. D 1/11/74	Nov. 16, 1971	Nov. 18, 1971	Detroit, Mich.; \$10,000
Harbor Distributing Co., 19722 S. Alameda, Compton, Calif.; Peerless Ins. Co.	Nov. 5, 1973	Nov. 26, 1973	Los Angeles, Calif.; \$10,000
International Shipping Co., 200 World Trade Bldg., Portland Oreg.; St. Paul Fire & Marine Ins. Co. D 1/25/74	Oct. 28, 1969	Oct. 29, 1969	Portland, Oreg.; 10,000
Leader International Industries, 1035 E. Hancock Ave., Detroit, Mich.; St. Paul Fire & Marine Ins. Co.	Nov. 16, 1973	Nov. 20, 1973	Detroit, Mich.; \$10,000
Mitsui & Co. (USA) Inc., 200 Park Ave., New York, N.Y.; Peerless Ins. Co. D 12/3/73	Dec. 24, 1971	Dec. 27, 1971	New York Sea-port; \$10,000
BNIA VISCOSA, Inc., 40 E. 34th St., New York, N.Y.; Federal Ins. Co.	Jan. 28, 1974	Jan. 28, 1974	New York Sea-port; \$10,000
Scott Research Laboratories, Inc., Route 611, Plumsteadville, Pa.; Federal Ins. Co.	Jan. 24, 1974	Feb. 5, 1974	New York Sea-port; \$10,000
Somerset Distributors Inc., 3000 Pacific Ave., Long Beach, Calif.; St. Paul Fire & Marine Ins. Co. (PB 8/7/69) D 12/3/73	Dec. 3, 1973	Dec. 4, 1973	Los Angeles, Calif.; \$10,000
States Marine Isthmian Agency, Inc., 90 Broad St., New York, N.Y.; Insurance Co. of N. America D 1/5/74	Jan. 5, 1973	Jan. 15, 1973	New York Sea-port; \$10,000
Sunny Distributors, Inc., 1733 28th St., Santa Monica, Calif.; St. Paul Fire & Marine Ins. Co.	Jan. 3, 1974	Jan. 7, 1974	Los Angeles, Calif.; \$10,000
Sutton Distributing Co., Inc., 5301 E. Diana, Tampa, Fla.; St. Paul Fire & Marine Ins. Co.	Jan. 17, 1974	Jan. 21, 1974	Tampa, Fla.; \$10,000
Theodore Warren Svensson, 500 Board of Trade Bldg., Duluth, Minn.; St. Paul Fire & Marine Ins. Co. D 12/21/73	Dec. 16, 1970	Dec. 21, 1970	Duluth, Minn.; \$10,000
United Liquor Co., P.O.B. 6478, Phoenix, Ariz.; Peerless Ins. Co.	Jan. 18, 1974	Jan. 18, 1974	Los Angeles, Calif.; \$10,000
Jan C. Ulterwyk Co., Inc., 715 E. Bird St., Tampa, Fla.; Fidelity & Deposit Co. of Md. (PB 1/3/73) D 1/2/74 ³	Dec. 31, 1973	Jan. 2, 1974	Tampa, Fla.; \$10,000
Van Munching Western Corp., 120 El Camino Dr., Beverly Hills, Calif.; St. Paul Fire & Marine Ins. Co. D 2/15/74	Aug. 29, 1968	Sept. 2, 1968	San Francisco, Calif.; \$10,000

¹ Surety is United States Fidelity & Guaranty Co.² Surety is Transamerica Ins. Co.³ Surety is American Motorist Ins. Co.

(BON-3-10)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(T.D. 74-75)

Foreign currencies—Certification of rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 19, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-40 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:

February 11, 1974	-----	\$0. 001514
February 12, 1974	-----	Holiday
February 13, 1974	-----	. 001519
February 14, 1974	-----	. 001521
February 15, 1974	-----	. 001522

(LIQ-3-0:A :E)

R. N. MARRA,
*Director, Appraisalment
and Collections Division.*

[Published in the Federal Register February 28, 1974 (39 FR 7814)]

(T.D. 74-76)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles in category 26 manufactured or produced in Colombia

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., February 22, 1974.

There is published below the directive of February 8, 1974, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction

on entry into the United States of cotton textiles in category 26 manufactured or produced in Colombia. This directive amends but does not cancel the Committee's directive of June 13, 1973 (T.D. 73-184).

This directive was published in the Federal Register on February 14, 1974 (39 FR 5651), by the Committee.

(QUO-2-1)

R. N. MARRA,
*Director, Appraisal
and Collections Division.*

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

February 8, 1974.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On June 13, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning July 1, 1973 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Colombia in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraphs 5A and 9 of the bilateral Cotton Textile Agreement of June 25, 1971 between the Governments of the United States and Colombia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of June 13, 1973 for cotton textile products in Category 26 (other than duck) ² to 4,726,033 square yards.³

¹ The term "adjustment" refers to those provisions of the bilateral Cotton Textile Agreement of June 25, 1971 between the Governments of the United States and Colombia which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

² Excluding T.S.U.S.A. Nos.:

320...01 through 04, 06, 08	326...01 through 04, 06, 08
321...01 through 04, 06, 08	327...01 through 04, 06, 08
322...01 through 04, 06, 08	328...01 through 04, 06, 08

³ This level has not been adjusted to reflect any entries made on or after July 1, 1973.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

(T.D. 74-77)

Antidumping—Racing plates (aluminum horseshoes) from Canada

The Secretary of the Treasury makes public a finding of dumping with respect to racing plates (aluminum horseshoes) from Canada. Section 153.43, Customs Regulations, amended

DEPARTMENT OF THE TREASURY,
Washington, D.C., February 22, 1974.

TITLE 19—CUSTOMS DUTIES

CHAPTER 1—UNITED STATES CUSTOMS SERVICE

PART 153—ANTIDUMPING

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that racing plates (aluminum horseshoes) from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the Federal Register of October 23, 1973 (38 F.R. 29260).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on January 24, 1974, it

notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of racing plates (aluminum horseshoes) from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the Federal Register of January 31, 1974 (39 F.R. 4013).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to racing plates (aluminum horseshoes) from Canada.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

<i>Merchandise</i>	<i>Country</i>	<i>T.D.</i>
Racing plates (aluminum horseshoes)-----	Canada-----	74-77

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

(APP-2-04)

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[Published in the Federal Register February 27, 1974 (39 FR 7570)]

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Nils A. Boe

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Edward D. Re

Senior Judges

Charles D. Lawrence
David J. Wilson
Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, *February 19, 1974.*

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74/125	Landis, J. February 11, 1974	Avina Industrial Products Corp.	73-10-02855	Item 685.90 8.5%	Item 685.25 6%			Judgment on the pleadings Avina Industrial Products Corp. v. U.S. (Abol. P. 73/ 624)	New York Radio antenna plugs, part #1300
P74/126	Landis, J. February 11, 1974	W. J. Byrnes & Co. of New York, Inc.	6775050	Item 523.91 15%	Item 687.40 12.5%			Summary judgment Strickland Enterprises, Inc., et al. (C.D. 4000)	New York Quartz crystal blanks
P74/127	Landis, J. February 11, 1974	Gambles Import Corp.	70/11777	Items 651.75 and 650.38 Ad valorem equivalent rate (35.45%)	Items 651.75 and 650.38 14 each plus 12.5%			Judgment on the pleadings Import Associates of Amer- ica et al. v. U.S. (C.A.D. 961)	San Diego Stainless steel flat wares, Sprigging Wheat pattern, 64 per set
P74/128	Landis, J. February 11, 1974	Karl Schreff & Assoc., Inc., et al.	69/24567, etc.	Item 684.70 15%	Item 685.22 12.5%			Judgment on the pleadings General Electric Company v. U.S. (C.D. 3857 aff'd C.A.D. 1021)	Chicago Earphones
P74/129	Landis, J. February 11, 1974	Silbo Steel Corp.	70/5777	Item 610.80 15.5%	Item 608.25 8.5%			J. Gerber & Co. Inc., et al. v. U.S. (C.D. 3773 aff'd C.A.D. 1013)	Jacksonville (Tampa) Iron and steel forgings
P74/130	Landis, J. February 11, 1974	Silbo Steel Corp.	70/25328	Item 610.80 15.5%	Item 608.25 8.5%			J. Gerber & Co., Inc., et al. v. U.S. (C.D. 3773 aff'd C.A.D. 1013)	Savannah Iron and steel forgings
P74/131	Landis, J. February 11, 1974	Silbo Steel Corp.	70/30417	Item 610.80 15.5%	Item 608.25 8.5%			J. Gerber & Co., Inc., et al. v. U.S. (C.D. 3773 aff'd C.A.D. 1013)	New York Iron and steel forgings

P74/132	Landis, J. February 11, 1974	Silbo Steel Corp.	70/3140, etc.	Item 610.80 14%	Item 608.25 7.5%	J. Gerber & Co., Inc., et al. v. U.S. (C.D. 3773 aff'd C.A.D. 1013)	Jacksonville (Tampa) Iron and steel forgings
P74/133	Landis, J. February 11, 1974	Silbo Steel Corp.	70/42434, etc.	Item 610.80 15.5%	Item 608.25 8.5%	J. Gerber & Co., Inc., et al. v. U.S. (C.D. 3773 aff'd C.A.D. 1013)	Jacksonville (Tampa) Iron and steel forgings
P74/134	Landis, J. February 11, 1974	Venetianre Corp. of America	67/82269	Item 748.20 25%	Item 772.15 17%	Judgment on the pleadings	New York Plastic flower shower cur- tain hooks
P74/135	Landis, J. February 11, 1974	Venetianre Corp. of America	67/88378	Item 748.20 25%	Item 772.15 17%	Judgment on the pleadings	New York Plastic flower shower cur- tain hooks
P74/136	Malets, J. February 11, 1974	Baruch Petranker Import Co., Inc.	68/6644, etc.	Items 737.90 and 737.40 35%	Item 773.10 17%	Judgment on the pleadings Wilson's Customs Clearance Inc. v. U.S. (C.D. 3061)	San Francisco Nodding head animals
P74/137	Watson, J. February 11, 1974	Pacific Coast Commercial Inc.	67/70541	Item 748.20 25%	Item 774.90 17%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunold Trading Corpora- tion et al. v. U.S. (C.D. 3279)	Los Angeles Artificial flowers, etc.
P74/138	Newman, J. February 11, 1974	Ford Motor Company.....	70/9146, etc.	Item 687.20 15% or 13%	Item 692.30 Fees of duty	Ford Motor Company v. U.S. (C.D. 4386)	Detroit Tool boxes (Items marked "A") and power steering reservoirs (Items marked "B")
P74/139	Ford, J. February 12, 1974	American Sanitary Reg Co. et al.	67/45144, etc.	Item 684.70 15% Item 708.40 or 706.60 25%	Item 685.22 12.5%	Judgment on the pleadings Lafayette Radio Electronics Corp. v. U.S. (C.A.D. 977) (radio cases)	Chicago Earphones (which are not headphones), chiefly used with radios; and radio cases

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74/140	Ford, J. February 13, 1974	Fedco, Inc., et al.	65/24364, etc.	Item 684.70 15%	Item 685.22 12.5%	Item 685.22 12.5%	Item 685.22 12.5%	General Electric Company v. U.S. (C.D. 3887)	Los Angeles Earphones
P74/141	Ford, J. February 13, 1974	Majestic Electronics, Inc., et al.	65/23335, etc.	Item 684.70 15%	Item 685.22 12.5%	Item 685.22 12.5%	Item 685.22 12.5%	General Electric Company v. U.S. (C.D. 3887)	Los Angeles Earphones
P74/142	Ford, J. February 13, 1974	New York Merchandise Co., Inc.	66/11041, etc.	Item 684.70 15%	Item 685.22 12.5%	Item 685.22 12.5%	Item 685.22 12.5%	General Electric Company v. U.S. (C.D. 3887)	Los Angeles Earphones
P74/143	Ford, J. February 13, 1974	New York Merchandise Co., Inc.	67/74244, etc.	Item 684.70 15%	Item 685.22 12.5%	Item 685.22 12.5%	Item 685.22 12.5%	General Electric Company v. U.S. (C.D. 3887)	Portland, Oreg. Earphones
P74/144	Landis, J. February 13, 1974	Otto Roth & Co., Inc., et al.	69/22456, etc.	Item 117.67 At ad valorem rate in force and effect at the time of entry of each of the ship- ments in the case at bar	Item 117.65 At ad valorem rate in force and effect at the time of entry of each of the ship- ments in the case at bar	Item 117.65 At ad valorem rate in force and effect at the time of entry of each of the ship- ments in the case at bar	Item 117.65 At ad valorem rate in force and effect at the time of entry of each of the ship- ments in the case at bar	Naumes Forwarding Serv- ice et al. v. U.S. (C.D. 3861)	New York Peorino or Peorino type cheese
P74/145	Ford, J. February 13, 1974	Sun Coast Merchandise Corp. et al.	67/59332, etc.	Item 684.70 15%	Item 685.22 12.5%	Item 685.22 12.5%	Item 685.22 12.5%	General Electric Company v. U.S. (C.D. 3887)	Los Angeles Earphones
P74/146	Ford, J. February 13, 1974	Vallant Radio Corp.	67/46271, etc.	Item 684.70 15%	Item 685.22 12.5%	Item 685.22 12.5%	Item 685.22 12.5%	General Electric Company v. U.S. (C.D. 3887 aff'd C.A.D. 1021)	New York Earphones imported with radios with which they are used

Decisions of the United States Customs Court

Abstracts *Abstracted Reappraisement Decisions*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
E7475	Landis, J. February 11, 1974	American Honda Motor Co., Inc.	E66/12600	Constructed value: Model Nos. CT 70, CL 90, CT 90K1 Export value: Model Nos. CL 70, and CB 175K3	CL 70: \$146; CT 70: \$159.50; CL 90: 185; CT 90K1: \$169; CB 175K3: \$316	Judgment on the plead- ings	Norfolk Motorcycles
E7476	Landis, J. February 11, 1974	American Honda Motor Co., Inc.	E66/12601	Constructed value: Model Nos. CB 350, CT 90K1, CL 450K2, Z50A K1 Export value: Model Nos. FC 50 and CD 175K3	PC 50: \$76; CD 175K3: \$281; CB 350: \$372.40; CT 90K1: \$169; CL 450K2: \$529.20; Z50- AK1: \$125	Judgment on the plead- ings	Norfolk Motorcycles

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R74/77	Landis, J. February 11, 1974	American Honda Motor Co., Inc.	R69/12802	Constructed value: Model Nos. CL 450, CL 450, CB 450, CB 750, CB 350 Export value: Model No. CB 175K3	CB 175K3: \$316; CL 350: \$382.40; CL 450: \$329.20; CB 450: \$314.20; CB 750: \$772; CB 350: \$372.40	Judgment on the plead- ings	Norfolk Motorcycles
R74/78	Landis, J. February 11, 1974	American Honda Motor Co., Inc.	R70/5823	Constructed value: Model Nos. CL 450K2, CB 750, Z50 AK1 Export value: Model No. CB 175K3	CB 175K3: \$316; CL 450K2: \$529.50; CB 750: \$772; Z50AK1: \$125	Judgment on the plead- ings	New York Motorcycles
R74/79	Landis, J. February 11, 1974	American Honda Motor Co., Inc.	R71/83	Constructed value: Model Nos. CB 450K2 and CB 750 Export value: Model No. CB 350K2	CB 350K2: \$373; CB 450K2: \$314.20; CB 750: \$772	Judgment on the plead- ings	New York Motorcycles
R74/80	Landis, J. February 11, 1974	Joseph H. Brown & Son	R68/13754	Export value	Invoice value of \$12- 746.25 (i.e., invoice unit value of \$0.1375 per lb.), less insurance of \$11.97, less nonduti- able charges (includ- ing prepaid duties) of \$1,750.88; which duti- able value equals \$10,983.90	Judgment on the plead- ings	El Paso Strawberries

CUSTOMS COURT

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R74/81	Landis, J. February 11, 1974	The Easterling Co. et al.	R70/9696, etc.	Export value: Porcelain ware, entry 12834 in R70/9696; Invoice unit prices, net packed; 192 pieces of "Sweetheart Rose" large 15-inch platters, order 6756, entry 127926 in R70/9697; 6 West German Marks each, net packed; appraised values sustained as to all other merchandise in entry 127928; cuckoo clocks, entry 112750 in R70/9748; Invoice unit prices, net packed	Not stated	Judgment on the pleadings	Chicago Porcelain ware, tableware, and cuckoo clocks
R74/82	Landis, J. February 11, 1974	Mercury Radio & Battery Corp.	R70/9285	Constructed value	Radios: \$2.42 each, net packed Batteries: \$0.10 each, net packed Earphones: \$0.08 each, net packed	Judgment on the pleadings	San Francisco Transistor radios with earphones and batteries
R74/83	Landis, J. February 11, 1974	Ross Electronics	71-10-01520	Constructed value	Set forth in column 4 of schedule attached to decision and judgment under heading "Unit Value for Each Article of Merchandise, Not Packed" for various articles described in column 2	Judgment on the pleadings	Chicago Radios, batteries, earphones; combination articles consisting of radios and clock movements; etc.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R74/84	Landis, J. February 11, 1974	Topp Import & Export, Inc.	R68/12656	Constructed value	Radios: \$1.53 each, net packed Earphones: \$3.12 each, net packed Batteries: \$0.10 each, net packed	Judgment on the pleadings	Miami Transistor radios with earphones and batteries
R74/85	Landis, J. February 11, 1974	Westinghouse Electric Corp.	R70/3590, etc.	Constructed value	Various values for various combination articles as indicated in decision and judgment for entries enumerated on schedules A through F	Judgment on the pleadings	New York Combination articles, consisting of radios, and in most cases clock movements, and various other articles (pens, telephones pick-ups, blinking lights, flashlights, earphones, batteries)
R74/86	Landis, J. February 13, 1974	Montgomery Ward & Co.	71-7-00477	Constructed value Radios: Models 62-1441 and 62-1451 (exclusive of earphones and batteries): f.o.b. invoice unit value less \$0.39, each, net packed; Model 62-1159 (exclusive of earphone): f.o.b. invoice unit value less \$0.07, each, net packed. Radio chassis: f.o.b. invoice unit value, each, net packed	Not stated	Judgment on the pleadings	New York Radio chassis, transistor radio sets, and radios assembled in and exported from Taiwan

R74/87	Landis, J. February 13, 1974	Topp Import & Ex- port, Inc.	R68/7583	Constructed value	Radios: Model A-K-910, \$1.88, each, net packed; Model A-K- 916, \$2.03, each, net packed; Model A-K- 95, \$1.53, each, net packed Earphones: \$0.12 each, net packed Batteries: \$0.10, each, net packed	Judgment on the plead- ings	Miami Transistor radios with earphones and batteries
R74/88	Landis, J. February 13, 1974	Transamerican Elec- tronics Int'l, Inc.	71-10-01(18	Constructed value	Entry 10008: Radios, \$7.24, each, net packed; Earphones, \$0.12 each net, packed For all other merchan- dise: L.o.b. Invoice unit values, net packed	Judgment on the plead- ings	Chicago Radio chassis, tran- sistor radio sets, and radios (with or without acces- ories) assembled in and exported from Taiwan
R74/89	Re, J. February 13, 1974	International Ex- porters, Inc.	R70/3412, etc.	Constructed value: L.o.b. Invoice unit values	Not stated	Judgment on the plead- ings	Chicago Radio chassis Models FHT-6, FHT-8 and FHT-9
R74/90	Re, J. February 13, 1974	Atkins, Kroll & Co. et al.	R58/27375, etc.	Export value: Net ap- praised value less 7½% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Seattle Japanese plywood
R74/91	Re, J. February 13, 1974	Atkins, Kroll & Co., Ltd., et al.	R61/10883, etc.	Export value: Net ap- praised value less 7½% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Savannah Japanese plywood
R74/92	Re, J. February 13, 1974	The Beton Co., Inc., et al.	R58/2941, etc.	Export value: Net ap- praised value less 7½% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R74/93	Re. J. February 13, 1974	Biddle Purchasing Co.	R62/12078	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Seattle Japanese plywood
R74/94	Re. J. February 13, 1974	Borneo Sumatra Trading Co., Inc.	284514-A, etc.	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	New York Japanese plywood
R74/95	Re. J. February 13, 1974	Borneo Sumatra Trading Co., Inc.	R89/14780, etc.	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	New York Japanese plywood
R74/96	Re. J. February 13, 1974	Borneo Sumatra Trading Co., Inc.	R89/18826, etc.	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Philadelphia Japanese plywood
R74/97	Re. J. February 13, 1974	Borneo Sumatra Trading Co., Inc., et al.	R60/20366, etc.	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Tampa Japanese plywood
R74/98	Re. J. February 13, 1974	Geo. S. Bush & Co., Inc., et al.	R59/16388, etc.	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Longview (Portland, Oreg.) Japanese plywood
R74/99	Re. J. February 13, 1974	Geo. S. Bush & Co., Inc.	R59/5640, etc.	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Longview (Portland, Oreg.) Japanese plywood
R74/100	Re. J. February 13, 1974	W. J. Byrnes & Co. of L.A., Inc., et al.	R60/4772, etc.	Export value: Net ap- praised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood

R74/101	Re, J. February 13, 1974	Castellazo & Associates et al.	R58/16798, etc.	Export value: Net appraised value less 7½% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/102	Re, J. February 13, 1974	Castellazo & Associates et al.	R59/16390, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/103	Re, J. February 13, 1974	Castellazo & Associates et al.	R59/17741, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/104	Re, J. February 13, 1974	Dant & Russell, Inc., et al.	R59/12764, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Houston Japanese plywood
R74/105	Re, J. February 13, 1974	Getz Bros. & Co. et al.	R58/18033, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Charleston, S.C. Japanese plywood
R74/106	Re, J. February 13, 1974	Getz Bros. & Co., Inc.	R58/28279, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Galveston Japanese plywood
R74/107	Re, J. February 13, 1974	Isbrandtsen Co. of Calif., Inc., et al.	R59/2453, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/108	Re, J. February 13, 1974	National Cardloading Corp.	R58/16631, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/109	Re, J. February 13, 1974	Pacific Wood Products Co. et al.	283170-A, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Houston Japanese plywood
R74/110	Re, J. February 13, 1974	Pacific Wood products Co.	R62/13418, etc.	Export value: Net appraised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Bridgeport Japanese plywood

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R74/111	Re, J. February 13, 1974	Pan Asiatic Trading Co., Inc., et al.	R58/23470, etc.	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/112	Re, J. February 13, 1974	Pan Asiatic Trading Co., Inc.	R60/7032, etc.	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/113	Re, J. February 13, 1974	Pan Pacific Overseas Corp.	R58/23382, etc.	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Philadelphia Japanese plywood
R74/114	Re, J. February 13, 1974	Pan Pacific Overseas Corp.	R59/5612, etc.	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Baltimore Japanese plywood
R74/115	Re, J. February 13, 1974	Pan Pacific Overseas Corp.	R59/9424, etc.	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	San Francisco Japanese plywood
R74/116	Re, J. February 13, 1974	Pan Pacific Overseas Corp.	R60/12035, etc.	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Longview (Portland, Oreg.) Japanese plywood
R74/117	Re, J. February 13, 1974	Pan Pacific Overseas Corp. et al.	R60/13070, etc.	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/118	Re, J. February 13, 1974	R. W. Smith	R64/7302	Export value: Net appraised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Galveston Japanese plywood

R74/119	Re. J. February 13, 1974	United States Ply- wood Corp.	287042-A, etc.	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	San Francisco Japanese plywood
R74/120	Re. J. February 13, 1974	United States Ply- wood Corp.	R58/18184, etc.	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Newport News (Norfolk) Japanese plywood
R74/121	Re. J. February 13, 1974	United States Ply- wood Corp.	R58/27752, etc.	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Seattle Japanese plywood
R74/122	Re. J. February 13, 1974	United States Ply- wood Corp.	R59/713, etc.	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Tampa Japanese plywood
R74/123	Re. J. February 13, 1974	United States Ply- wood Corp.	R59/6405, etc.	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Boston Japanese plywood
R74/124	Re. J. February 13, 1974	United States Ply- wood Corp.	R59/9810, etc.	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Tampa Japanese plywood
R74/125	Re. J. February 13, 1974	United States Ply- wood Corp.	R64/20073	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Rochester (Buffalo) Japanese plywood
R74/126	Re. J. February 13, 1974	Wood Mosaic Indus- tries, Inc.	R53/25395, etc.	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	San Francisco Japanese plywood
R74/127	Re. J. February 13, 1973	Wood Mosaic Indus- tries, Inc.	R59/1488	Export value: Net ap- praised value less 7¼%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Portland (Oreg.) Japanese plywood

**Judgment of the United States Customs Court
in Appealed Case**

FEBRUARY 11, 1974

**APPEAL 5527.—S. Y. Rhee Importers v. United States.—INFLATABLE
ARTICLES—GREETING CARDS—TOYS—TSUS.—C.D. 4391 affirmed
November 1, 1973. C.A.D. 1108.**

Rehearing Motion Filed Protest

FEBRUARY 8, 1974

**Ditbro Pearl Co., Inc. v. United States, Court No. 71-5-00113.—
LADIES' BELTS (CHAIN).—C.D. 4497. Motion by plaintiff.**

**Appeal to United States Court of
Customs and Patent Appeals**

**APPEAL 74-23.—Sears, Roebuck and Co. v. United States.—JEWELRY
BOXES OF WOOD (MUSICAL)—METAL HOUSEHOLD ARTICLES—
TSUS—CROSS-MOTIONS FOR SUMMARY JUDGMENT. Appeal from
C.D. 4492.**

The merchandise involved in this case is a musical jewelry box consisting of leatherette, metal, wood, and textile fabric materials. It was conceded that the component material of chief value is the metal. The issue presented by cross-motions of both parties for summary judgment was whether the merchandise was properly dutiable as assessed at 15 percent ad valorem under item 654.20, Tariff Schedules of the United States, as articles not specially provided for of a type used for household use, of metal, or should be dutiable, as claimed by plaintiff, under item 204.50 as jewelry boxes of wood. Plaintiff's motion for summary judgment was denied; defendant's cross-motion for summary judgment was granted. It is claimed that the Customs Court erred in not finding and holding that the context of the classification, under item 204.50, TSUS, "jewelry boxes * * * of wood" requires or indicates that as a matter of law the classification refers to a general composition and not chief value of the named material; in not finding and holding that the addition of the musical movement does not make

the box anything more or anything less than what it is, namely, a wooden jewelry box; in not finding and holding that item 204.50 is an *eo nomine* provision which was intended to cover the subject merchandise; in not finding and holding that the context of item 204.50 requires that said provision to be read to refer to something other than the component material of chief value; in finding and holding that as a matter of law item 204.50 classifying "jewelry boxes * * * of wood" includes only those jewelry boxes wholly or in chief value of wood; and in finding and holding that the subject merchandise is not classifiable under item 204.50.

Tariff Commission Notice

Investigation by the United States Tariff Commission

DEPARTMENT OF THE TREASURY, February 28, 1974.

The appended notice relating to an investigation by the United States Tariff Commission is published for the information of Customs officers and others concerned.

VERNON D. ACREE,
Commissioner of Customs.

[TEA-W-225]

Workers' Petition for a Determination Under Section 301(c)(2) of the Trade Expansion Act of 1962

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Dee Vee Footwear, Inc., Bridgeport, Connecticut, the United States Tariff Commission, on February 15, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.32, 700.43, 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the *Federal Register*.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

KENNETH R. MASON,
Secretary.

Issued February 19, 1974.

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Tariff Commission Notice

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